



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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OCT 24 2014

Ref: 8EPR-N

Mr. Robert Sanchez
Ogden Ranger District
507 25th Street, Suite 103
Ogden, UT 84401

Re: Ogden Ranger District Travel Plan Revision Project
Draft SEIS, CEQ #20140255

Dear Mr. Sanchez:

The U.S. Environmental Protection Agency Region 8 has reviewed the Draft Supplemental Environmental Impact Statement (SEIS) prepared by the Uinta-Wasatch-Cache National Forest for the Ogden Ranger District Travel Plan Revision Project. Our comments are provided for your consideration pursuant to our responsibilities and authorities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA).

Project Description and Background

The Ogden Travel Plan Draft SEIS documents the analysis of six travel management alternatives for managing motorized trails and roads in areas of the Uinta-Wasatch-Cache National Forest administered by the Ogden Ranger District. The Draft SEIS was initiated in response to a March 2012 U.S. district court order instructing the Forest Service to address deficiencies in the previous environmental analysis. In response, this Draft SEIS is intended to:

1. Provide notice of available support for the public to understand information cataloguing illegal routes;
2. Provide support for assumptions about the impacts of illegal user-created routes; and
3. Evaluate the cumulative impacts of its decision on the Shoshone Trail System.

The six alternatives analyzed in the Draft SEIS include:

- Alternative 1 was designed primarily to consider the values inherent in inventoried roadless areas.
- Alternative 2 was designed to emphasize a variety of motorized recreation and access opportunities.
- Alternative 3 was designed to consider important aspects of wildlife habitat management.
- Alternative 3a is the Preferred Alternative and balances considerations in Alternatives 1 through 3, emphasizing wildlife habitat as in Alternative 3, but also providing for very important access needs to private lands and for administrative purposes.

- Alternative 4 is the “No Action” Alternative that would continue current management under the existing Ogden Travel Plan.
- Alternative 5 was formulated from public comments and analysis on the Draft EIS to improve resolution of issues raised, and retains similar actions to Alternative 3a.

These alternatives are the same as those analyzed in the 2007 Final EIS/ROD for travel plan revision on the Ogden Ranger District. The Draft SEIS does not replace the 2007 Travel Plan Final EIS in entirety. Instead, it replaces discrete sections and provides additional information to supplement the analysis presented in the Final EIS. The 2007 Final EIS in turn relied upon and supplemented a 2006 ROD, which was reversed by the Forest Service due to a need to perform additional cumulative effects analysis. In order to fully comprehend the Draft SEIS, the EPA’s scope of review included the two previous Final EISs.

Air Quality Analysis

Impacts to air quality are not analyzed in the Draft SEIS (including the previous documents it supplements). According to the 2006 Final EIS/ROD, the Forest Service determined that air quality was not a significant issue. The 2006 Final EIS/ROD justifies this conclusion by noting that the Ogden Ranger District “meets National Ambient Air Quality Standards (NAAQS)” and by a qualitative discussion noting that exhaust and dust emissions from off-road vehicle (ORV) use are “normally dispersed within minutes after the vehicles pass.” The 2007 Final EIS/ROD does not update these sections, but adds an air quality cumulative impacts discussion that concludes that air quality is not anticipated to be a cumulative effects issue.

While the disclosure of existing conditions and brief qualitative analysis for air quality impacts may have been accurate and appropriate at the time of the 2007 ROD, these statements regarding air quality are no longer accurate. In 2009, after issuance of the 2007 ROD, the EPA designated two areas in the vicinity of the Ogden Ranger District as nonattainment for the 2006 24-hour fine particulate matter (PM_{2.5}) NAAQS. (See 74 FR 58688, November 13, 2009). Specifically, the following nonattainment areas overlap portions of the Ogden Ranger District:

- Salt Lake City, UT 24-hour PM_{2.5} Nonattainment Area, which includes Salt Lake and Davis Counties and portions of Box Elder, Tooele, and Weber Counties; and
- Logan, UT-ID 24-hour PM_{2.5} Nonattainment Area, which includes portions of Cache County.

In addition, the Salt Lake City, UT maintenance area for the 1997 8-hour ozone NAAQS (formerly designated as nonattainment for the revoked 1-hour ozone NAAQS), which includes Davis and Salt Lake Counties, overlaps portions of the Ogden Ranger District.

Although the court did not specifically direct the Forest Service to reconsider air quality, the EPA’s post-2007 ROD designation of the 24-hour PM_{2.5} nonattainment areas and the information supporting the designation (including monitoring and meteorological data) are, in our view, significant new circumstances and information bearing on the proposed action and its impacts, given the relation of air quality and potential increases or changes in ORV use.

We recommend that the existing conditions discussion for air quality (Section 3.12) be revised in the Final SEIS to disclose the existence of these nonattainment and maintenance areas. Further, because ORV use can result in exhaust and dust emissions that contribute to ambient particulate matter

concentrations, we recommend that an air quality impacts analysis be included in the Final SEIS in order to disclose whether travel management plan activities could impact air quality within the project area and in the areas designated as not meeting the NAAQS. This would require updating the discussion on environmental effects (Section 4.12) and cumulative effects (4.14.12).

General Conformity

It is our understanding that the Forest Service will either re-issue the ROD or issue a revised ROD after taking into account the information and analysis in the SEIS. The EPA notes that at this point in time, the federal action of re-issuing the ROD or issuing a revised ROD will trigger the general conformity provisions for nonattainment and maintenance areas as provided in 40 CFR 93 Subpart B.

Section 176(c)(4) of the CAA established the general conformity provisions, which play an important role in helping states and tribes improve air quality in those areas that do not meet a NAAQS. In response to section 176(c)(4) of the CAA, the EPA promulgated General Conformity requirements in 40 CFR part 93, Subpart B - "Determining Conformity of General Federal Actions to State or Federal Implementation Plans," which includes sections 40 CFR 93.150 through 93.165. Essentially, under the general conformity requirements, federal agencies must work with state, tribal and local governments in a nonattainment or maintenance area to ensure that federal actions conform to the air quality attainment or maintenance plans that have been approved by the EPA into the applicable state or tribal implementation plan. We note that for this project area, Utah's approved State Implementation Plan (SIP) governs general conformity requirements. Utah Administrative Code R307-115-1, as approved into the SIP, incorporates by reference the federal rules in 40 CFR part 93, Subpart B. (See 73 FR 51222, September 2, 2008).

We therefore recommend that the Final SEIS also address general conformity with respect to the Utah SIP. Although a general conformity analysis or conformity determination (as appropriate) is not required to be completed concurrent with the NEPA process, we recommend that consideration be given for doing so for purposes of efficiency. We note, however, a general conformity analysis or conformity determination (as appropriate) must be completed no later than the re-issuance of the ROD or issuance of a revised ROD. If the Forest Service chooses to address general conformity separately from the NEPA process, we recommend that the Final SEIS include a discussion regarding general conformity and how the Forest Service intends to address it. We are available to discuss the general conformity rule and options to address the rule's requirements with you if that would be useful.

Regulation of Unauthorized Motorized Use

The EPA's comments on the 2007 Final EIS (November 6, 2007) expressed concerns regarding the Forest Service's capability to enforce the proposed travel management plan. The additional information provided in the Draft SEIS supports the importance of regulating unauthorized ORV use on public land. As stated in the Draft SEIS, user-created routes generally have the greatest potential to impact watershed processes, water quality, and riparian health, because they do not have properly designed and maintained drainage features. The analysis indicates that 14 of 24 miles of new or changed route designations in the Preferred Alternative are in high-risk areas for unauthorized use. Consequently, there are many areas of potential impacts to soil resources identified in the Draft SEIS. Further, the Draft SEIS concludes, based on the closed roads survey, that roads are difficult to close, and in many situations motor vehicles will find a way to explore closed roads.

Based on these concerns, we recommend that the Final SEIS discuss how the Forest Service will commit adequate funding and personnel to regulate unauthorized ORV use. Further, we recommend that the Final SEIS include a monitoring plan for determining the effectiveness of travel management on the Ogden Ranger District, including prevention of user-created routes and success of road closures. Effectiveness monitoring is discussed in the January 2011 Council on Environmental Quality guidance on "Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact" (see <http://energy.gov/nepa/council-environmental-quality>). Such a monitoring plan will support the Ogden travel management plan by allowing the Forest Service to justify adaptation of the plan in response to any resource issues that may arise.

Conclusion and EPA's Rating

Based on our review, the EPA is rating the Draft SEIS as "Environmental Concerns – Insufficient Information" (EC-2). The "EC" rating means that the EPA's review has identified potential impacts that should be avoided in order to fully protect the environment. The "2" rating means that the Draft SEIS does not contain sufficient information for the EPA to fully assess environmental impacts. A description of the EPA's rating system can be found at:

<http://www.epa.gov/compliance/nepa/comments/ratings.html>.

We appreciate the opportunity to comment on this document and hope our suggestions will assist you with preparation of the Final SEIS. Please contact us if additional explanation of these comments would be helpful. You can reach me at 303-312-6704, or your staff may contact Molly Vaughan, lead reviewer for this project, at 907-271-1215 or vaughan.molly@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "P. Strobel", is positioned above the typed name.

Philip S. Strobel
Acting Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation